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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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002280 0342/1993  
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EXAMINER

OLIVER-K

ART UNIT

PAPER NUMBER

2311

DATE MAILED:

12/02/93

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

9/119 626

Applicant(s)

Examiner

Cuneo

Group Art Unit

2831

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-6 are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

## DETAILED ACTION

### *Election of Species*

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- a1. the conductive pattern all the way removed as in figure 1 with the shape of a rectangle as shown in figure 1,
- a2. the conductive pattern all the way removed as in figure 1 with the shape shown in figure 6,
- a3. the conductive pattern all the way removed as in figure 1 with the shape shown in figure 7,
- a4. the conductive pattern all the way removed as in figure 1 with the shape shown in figure 8,
- a5. the conductive pattern all the way removed as in figure 1 with the shape shown in figure 9,
- a6. the conductive pattern all the way removed as in figure 1 with the shape shown in figure 10,
- a7. the conductive pattern all the way removed as in figure 1 with the shape of a wedge (page 18, line 2),
- a8. the conductive pattern all the way removed as in figure 1 with a zigzag shape (page 18, line 2),
- b1. the conductive pattern thinned as in figure 3 with the shape of a rectangle as shown in figure 1,
- b2. the conductive pattern thinned as in figure 3 with the shape shown in figure 6,

- b3. the conductive pattern thinned as in figure 3 with the shape shown in figure 7,
- b4. the conductive pattern thinned as in figure 3 with the shape shown in figure 8,
- b5. the conductive pattern thinned as in figure 3 with the shape shown in figure 9,
- b6. the conductive pattern thinned as in figure 3 with the shape shown in figure 10.
- b7. the conductive pattern partially removed as in figure 3 with the shape of a wedge  
(page 18, line 2),
- b8. the conductive pattern partially removed as in figure 3 with a zigzag shape (page 18,  
line 2).

Even though the embodiments are defined as figures 1, 3 and 5, the examiner believes that categorization of the inventions from the stand point of patentability is properly done by species a1-b8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

2. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are

added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. A telephone call was made to Mr. Pous (29099) on 12/28/99 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

*Closing*

Any inquiries related to the examination of this application should be directed to Examiner Kamand Cuneo at (703)308-1233 or her supervisor, Examiner Kristine Kincaid, at (703)308-0640. Inquiries of a general nature should be directed to the group 2800 receptionist at (703)308-0956. The general fax number to group 2800 is (703)308-7722 or 7724.

*Kristine Kincaid*

*ke*  
kc

December 7, 1999